

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - SPECIAL SESSION**

#### **COMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

**Call to Order:** By **CHAIRMAN DON RYAN**, on December 14, 2005 at 10:30 A.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Don Ryan, Chairman (D)  
Sen. Gregory D. Barkus (R)  
Sen. Jerry W. Black (R)  
Sen. Jim Elliott (D)  
Sen. Kim Gillan (D)  
Sen. Bob Hawks (D)  
Sen. Sam Kitzenberg (R)  
Sen. Jesse Laslovich (D)  
Sen. Jeff Mangan (D)  
Sen. Dan McGee (R)  
Sen. Bob Story Jr. (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Lois O'Connor, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 1, 12/12/2005  
Executive Action: SB 1

00:00:08

**CALL TO ORDER AND ROLL CALL:**

The meeting was called to order by **SEN. DON RYAN, CHAIR**, at 10:30 a.m. Roll call was noted; all Committee members were present.  
(ATTACHMENT #1)

00:03:13

**HEARING ON SB 1**

00:03:27

**Opening Statement by Sponsor:**

**SEN. DON RYAN (D), SD 10**, opened the hearing on **SB 1**, Governor's school funding proposal.

00:20:32

**Proponents' Testimony:**

00:20:40

**Jan Lombardi, Policy Advisor, Office of The Honorable Governor Brian Schweitzer**, provided written comments in support of SB 1.

**EXHIBIT**(eds01a01)

00:29:51

**Linda McCulloch, State Superintendent of Public Instruction, Office of Public Instruction**, provided written comments in support of SB 1.

**EXHIBIT**(eds01a02)

**EXHIBIT**(eds01a03)

00:42:22

**George Dennison, President, University of Montana**

00:43:33

**Zach Stetzner, Senior, Anaconda High School**

00:44:48

**Kaylyn Johnston, Senior, Anaconda High School**

00:46:02

**Lisa Laslovich, Eighth Grade Student, Anaconda**

00:46:47

**Korey Krumm, Eight Grade Student, Anaconda**

00:47:35

**Angela McLean, Teacher, Anaconda High School**

00:48:27

**Roger Barber, Office of the Commissioner of Higher Education**

00:49:40

**Jacquie Helt , President, AFL-CIO**

00:50:12

**Thomas Brown, Poplar Schools**

00:52:38

**Sheldon Bartel on behalf of Dick King, President, Montana Economic Development Association**, provided written comments in support of SB 1.

**EXHIBIT**(eds01a04)

00:53:59        **Jeff Essmann, Senator, Senate District #28,**  
                  **representing himself**  
00:57:01        **Eric Feaver, MEA-MFT**  
00:58:48        **June Hermanson, Montana Youth Leadership For High**  
                  **School Students With Disabilities**  
01:00:19        **Lynda Brannon, Indian Impact Schools of Montana**  
                  **Ms. Brannon provided written testimony from Mary**  
                  **Johnson, Superintendent, Browning Public Schools,**  
                  **in support of SB 1.**

**EXHIBIT**(eds01a05)

01:04:14        **Linda Gryczan , Montana Womens Lobby**  
01:04:57        **Dan Miles, President, Montana Workforce Investment**  
                  **Board**  
01:08:08        **Craig Doherty, President, American Indian**  
                  **Educational Development Center**  
01:10:28        **Stan Juneau, Board of Trustees, Browning Public**  
                  **Schools**  
01:11:55        **Sherlynn Stewart, Montana Parent Teacher**  
                  **Association**

1:12:34

**Opponents' Testimony:**

01:12:50        **Dave Shreeve, Superintendent, Forsyth Public**  
                  **Schools**  
01:16:41        **Glen Monson, Superintendent, Saco Public Schools**  
01:19:55        **John Cobb, Senator, Senate District #9, provided**  
                  **proposed amendments to SB 1**

**EXHIBIT**(eds01a06)

01:22:10        **Darrel Rudd, Executive Director, School**  
                  **Administrators of Montana (SAM)**  
01:24:38        **Bruce Messinger, Superintendent, Helena Public**  
                  **Schools**  
  
01:28:01

**Informational Testimony:**

01:28:08        **Jack Copps, Executive Director, Montana Quality**  
                  **Education Coalition (MQEC), provided written**  
                  **comments.**

**EXHIBIT**(eds01a07)

01:30:46        **Kurt Dyer, President, Montana School Board  
Association (MSBA)**  
01:32:26        **Steve Gettel, Montana School of the Deaf and  
Blind, Great Falls**

01:35:25

**Questions from Committee Members and Responses:**

01:35:41        **SEN. JEFF MANGAN, SENATE DISTRICT #12, for Ms.  
Lombardi** regarding the Governor's position on  
Superintendent McCulloch's amendments.

01:36:42        **SEN. MANGAN** for **Joe Lamson, OPI**, regarding the  
achievement gaps in Indian Education For All.

01:38:01        **SEN. ROBERT STORY, SENATE DISTRICT #30** for **Ms.  
Lombardi** regarding the calculation for the quality  
education component of SB 1 and whether those  
components were taken from the work of the Quality  
Schools Interim Committee.

01:41:32        **SEN. STORY** for **Ms. Brannon** regarding the  
definition of "e rate".

01:43:46        **SEN. STORY** for **Andy Holmlund, Superintendent,  
Ronan Public Schools**, regarding the definition of  
"e rate".

01:45:44        **SEN. GREGORY BARKUS, SENATE DISTRICT #4** for **SEN.  
RYAN** regarding the ratio and definition of  
"quality educator" and questioned the Indian  
education achievement gap.

01:49:28        **SEN. BARKUS** asked **SEN. RYAN** if SB 1 would nullify  
the MQEC lawsuit.

01:51:13        **SEN. KIM GILLAN, SENATE DISTRICT #24** for **Ms.  
Lombardi** regarding the effects that SB 1 would  
have on local property taxes.

01:53:05        **SEN. GILLAN** asked **Ms. Lombardi** to comment on the  
statement that the teacher/student ratio should  
not be used for school funding purposes.

01:55:48        **SEN. GILLAN** for **Ms. Lombardi** regarding the distribution of money provided for at-risk students.

01:56:49        **SEN. STORY** asked **Superintendent McCulloch** for information about the Indian at-risk ratio of SB 1.

01:58:46        **SEN. STORY** for **Superintendent McCulloch** regarding the determination of how to identify Native American students in schools.

02:00:40        **SEN. BARKUS** for **Superintendent McCulloch** regarding the definition of "quality educator".

02:01:36        **SEN. JIM ELLIOTT, SENATE DISTRICT #7** for **Superintendent McCulloch** regarding the funding source for her proposed amendments and whether interest and income would increase.

02:08:06        **SEN. MANGAN** for **Superintendent McCulloch** regarding OPI's increased funding proposal for teachers and what it would do to recruit and retain teachers.

02:11:40        **SEN. STORY** asked **BJ Granbery, Director of Title I Funding, OPI**, several questions about the number of students that would qualify for the proposed at-risk funding.

02:19:24        **SEN. STORY** asked **Mr. Feaver** about MEA-MFT's ongoing health care proposal.

02:20:41        **SEN. STORY** asked **Ms. Lombardi** several questions about whether SB 1 would identify the number of Native American students in Montana schools.

02:24:58        **SEN. JERRY BLACK, Senate District 14**, asked **Superintendent McCulloch** about the rationale for OPI's proposed amendments.

02:26:48

**Closing by Sponsor:**

Sen. Ryan reiterated the components of SB 1 and addressed many of the questions previously asked by Committee members.

02:41:09           The Committee recessed until 1:45 p.m. and will reconvene for Executive Action on SB 1 upon adjournment on the Senate.

00:00:00

**RECONVENE**

The Committee reconvened at 2:50 p.m with a procedural question from **SEN. STORY** TO **SEN. RYAN**.

00:02:56

**EXECUTIVE ACTION ON SB 1**

00:03:48

**Motion:**   **SEN. RYAN** moved that SB 1 DO PASS.

00:03:55

**Motion/Vote:**   **SEN. STORY** moved the approval of and explained amendment #SB000101.acl. Motion carried unanimously by voice vote.

**EXHIBIT**(eds01a08)

**Motion:**   **SEN. STORY** moved the approval of and explained amendment #SB000102.acl.

**EXHIBIT**(eds01a09)

**Discussion:**

00:09:58           **SEN. GILLAN** for **SEN. STORY** and **Superintendent McCulloch** regarding whether OPI currently had best practice proposals for at-risk and American Indian students.

00:13:58

**Vote:**   **SEN. STORY'S** motion failed on a 5 to 6 roll call vote with **SENATORS BARKUS, BLACK, MANGAN, MCGEE, AND STORY** voting aye.

00:17:54

**Motion:** SEN. STORY moved the approval of and explained amendment #SB000102.ace.

**EXHIBIT**(eds01a10)

**Discussion:**

00:19:09           **SEN. ELLIOTT** for **SEN. STORY** regarding the necessity for amendment #SB000102.ace.

00:21:24

**Vote:** SEN. STORY'S motion carried unanimously by voice vote.

00:21:34

**Motion:** SEN. STORY moved the approval of amendment #SB000101.ace.

**EXHIBIT**(eds01a11)

**Discussion:**

00:23:08           **Connie Erickson, Research Analyst, Legislative Services Division,** explained amendment #SB000101.ace.

00:31:43           **SEN. RYAN** opposed #SB000101.ace and asked **SEN. STORY** whether the amendment redirected direct state aid and changed budget authority by a similar amount.

00:35:44           **SEN. ELLIOTT** for **SEN. STORY** regarding whether an opportunity would exist for school districts to hire additional FTE from a separate fund and leverage more money beyond that amount.

00:44:02

**Vote:** SEN. STORY'S motion failed on a 4 to 7 roll call vote with **SENATORS BLACK, BARKUS, MCGEE, and STORY** voting aye.

00:45:49

**Motion:** SEN. MCGEE moved the approval of and explained amendment #SB000104.agp. He also provided bullet list of information germane to special education.

[EXHIBIT](#)(eds01a12)

[EXHIBIT](#)(eds01a13)

**Discussion:**

00:52:19           **SEN. MANGAN** opposed the amendment #SB000104.agp and provided a memo from Superintendent McCulloch regarding Indian Education For All.

[EXHIBIT](#)(eds01a14)

00:54:11           **SEN. LASLOVICH** requested comments from Superintendent McCulloch.

00:58:17

**Vote:** SEN. MCGEE'S motion failed on a 4 to 7 roll call vote with SENATORS BARKUS, BLACK, MCGEE, and STORY voting aye.

00:59:55

**Motion:** SEN. MANGAN moved the approval of amendment #SB000105.agp on behalf of SEN. JOHN COBB.

[EXHIBIT](#)(eds01a15)

**Discussion:**

01:02:19           **SEN. MCGEE** for **SEN. MANGAN** and **SEN. STORY** regarding a reiteration of the funding included in the amendment.

01:05:32           **SEN. RYAN** opposed the amendment because the monetary impact to school districts was unknown.

01:06:59

**Vote:** SEN. MANGAN'S motion passed on an 8 to 3 voice vote with SENATORS RYAN, MCGEE, and LASLOVICH voting no.



01:11:16

**Motion:** SEN. MANGAN moved the approval of and explained amendment #SB000105.aem.

[EXHIBIT](#)(eds01a16)

**Discussion:**

01:15:01 SEN. GILLAN for SEN. MANGAN regarding whether the Governor supported amendment #SB000105.aem.

01:16:55

**Vote:** SEN. MANGAN'S motion carried on a 7 to 4 roll call vote with SENATORS BARKUS, BLACK, MCGEE, and STORY voting nay.

01:18:35

**Motion:** SEN. MANGAN moved the approval of and explained amendment #SB000103.aem.

[EXHIBIT](#)(eds01a17)

**Discussion:**

01:19:27 SEN. RYAN asked several questions to clarify who would qualify for the quality educator payment.

01:23:44 Claudette Morton, Helena, responded to one of SEN. RYAN'S questions.

01:25:30 SEN. STORY requested comments from Superintendent McCulloch on part- and full-time FTE and whether they could be counted more than once under the amendment.

01:49:30 SEN. MCGEE requested that amendment #SB000103.aem be segregated into three parts.

Following a brief recess:

01:50:16 SEN. MANGAN requested that amendment #SB000103.aem remain as written and asked Madalyn Quinlan, OPI, to explain.

01:53:02           **SEN. GILLAN** for **Ms. Quinlan** regarding whether the amendment would affect larger school districts.

01:53:39           **SEN. RYAN** for **SEN. MANGAN** regarding whether subsection (1)(a) should be stricken from amendment #SB000103.aem.

01:55:15           **SENATORS MCGEE and STORY** felt that the language should remain.

01:58:32           **SEN. RYAN** requested comments from **Ms. Quinlan**.

01:59:34           **SEN. RYAN** spoke about the funding for the School for the Deaf and Blind.

02:02:38           **SEN. MANGAN** suggested voting on amendment #SB000103.aem as written with another amendment, as suggested by **Ms. Quinlan**, to be available for Committee review.

02:05:26

**Vote:** **SEN. MANGAN'S** motion carried on a 9 to 2 voice vote with **SENATORS BARKUS AND STORY** voting nay.

02:06:03

**Motion:** **SEN. STORY** moved the approval of amendment #SB000102.agp of behalf of **SEN. GRIMES**.

**EXHIBIT**(eds01a18)

**Discussion:**

02:07:44           **SEN. RYAN** explained why he opposed amendment #SB000102.agp.

02:09:58

**Vote:** **SEN. STORY'S** motion failed on a 4 to 7 roll call vote with **SENATORS BARKUS, BLACK, MCGEE, and STORY** voting aye.

02:11:43

**Motion:** **SEN. MANGAN** moved the approval of amendment #SB000107.aem.

**EXHIBIT**(eds01a19)

**Discussion:**

02:12:56           **SEN. RYAN** opposed amendment #SB000107.aem because of its long-term fiscal implications.

02:14:29           **SEN. STORY** agreed with **SEN. RYAN'S** comments.

02:18:08

**Vote:** **SEN. MANGAN'S** motion failed on a 4 to 7 roll call vote with **SENATORS GILLAN, KITZENBERG, LASLOVICH, and MANGAN** voting aye.

02:19:19

**Motion:** **SEN. MANGAN** moved the approval of amendment #SBSB000101.aem.

**EXHIBIT**(eds01a20)

**Discussion:**

02:36:21           **SEN. ELLIOTT** opposed amendment #SB000101.aem because of its cost and provided historical data on oil and gas lease and bonus payments.

**EXHIBIT**(eds01a21)

02:25:01           **SEN. RYAN** also opposed the amendment.

02:30:24           **SEN. GILLAN** made several comments regarding SB000101.aem.

02:35:04

**Motion:** **SEN. MANGAN'S** motion failed on a 3 to 8 roll call vote with **SENATORS GILLAN, LASLOVICH, and MANGAN** voting aye.

02:36:39

**Motion/Vote:** **SEN. MANGAN** moved to reconsider its action on the previous amendment #SB000103.aem. Motion carried unanimously by voice vote.

02:37:51

**Motion:** SEN. MANGAN moved a SUBSTITUTE MOTION to strike the previous amendment #SB000103.aem and replace it with the new version of #SB000103.aem.

**EXHIBIT**(eds01a22)

**Discussion**

02:41:03 SEN. STORY for SEN. RYAN and Ms. Quinlan regarding whether language exists in HB 1 stating that the proposed funding must to be used for the purposes indicated.

02:42:06 SEN. RYAN said that language could be added that the funding be directed toward educational purposes when HB 1 reaches the Senate.

02:43:43 SEN. MCGEE asked Amy Carlson, Office of Budget and Program Planning (OBPP), for comments on the previous question.

02:49:23

**Vote:** SEN. MANGAN'S motion carried on an 8 to 3 voice vote with SENATORS STORY, BARKUS, and ELLIOTT voting nay.

02:49:55

**Motion:** SEN. RYAN moved that SB 1 DO PASS AS AMENDED.

02:50:56

**Discussion:**

02:51:22 SEN. STORY for Ms. Quinlan regarding the possibility of the need for any supplementals related to SB 1.

02:55:09 SEN. MANGAN stated that the Legislature would have to revisit the at-risk component of SB 1 when it is returned from the House.

02:57:11

**Vote:** SEN. RYAN'S motion carried on a 10 to 1 roll call vote with SEN. STORY voting nay.

**ADJOURNMENT**

Adjournment: 5:50 P.M.

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SEN. DON RYAN, Chairman

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LOIS O'CONNOR, Secretary

DR/lo

Additional Exhibits:

**EXHIBIT ([eds01aad0.PDF](#))**